

COMMISSIONERS APPROVAL

CHILCOTT *ay*

THOMPSON *ay*

LYONS *dh*

PLETTENBERG ( Clerk & Recorder)

Date.....January 29, 2007

Members Present.....Commissioner Greg Chilcott,  
Commissioner Alan Thompson and Commissioner Howard Lyons

Minutes: Glenda Wiles

The Board held an interview with Paul Wilson for a position on the Open Lands Board.

The Board met with Victim Witness Assistance Coordinator Valerie Widmere in regard to letters of Support for the Victim Assistance Grant through the Board of Crime Control and Emma's House funding. Commissioner Thompson made a motion to approve of the grant application for the Victim Witness Assistance Grant, a letter of support for the Victim Assistance Grant and letter of support for the funding for Emma's house. Commissioner Lyons seconded the motion and all voted "aye".

In other administrative matters, Commissioner Thompson made a motion to approve the November 20<sup>th</sup> minutes. Commissioner Chilcott seconded the motion and all voted "aye".

In a continuation of the administrative/ministerial matters from Friday, January 26<sup>th</sup>, Road Supervisor David Ohnstad met with the Board to complete the Buy/Sell agreement for the property adjacent to the Stevensville Gravel Mine known as the Robert Spang Property. The property address is shown as Parcel A, Certificate of Survey No. 3770, Index 2, P# 394500. Commissioner Lyons made a motion to have Vice Chair sign the final Buy-Sell Agreement(s) and other related documents from Stewart Title. Commissioner Thompson seconded the motion and all voted "aye".

The Board also discussed the tenants who have been utilizing the trailer that is on this property (Spang), and any notices that need to be given to him for removal of personal property.

The Board met with GIS Coordinator Ken Miller and 9-1-1 Center Director Joanna Hamilton in regard to a Qwest address error for 9-1-1 and GIS. Ken stated there are two issues. One is the Quest address error report and the addresses the county should be receiving from Century Tell. Ken stated Quest maintains addresses and phone numbers.

Century Tell purchases that information when a 9-1-1 call comes through. Ken stated he has visited with the Century Tell, as they are the Enhanced 9-1-1 provider, in order to obtain that data base. Currently there is 96% accuracy in the data base which would allow the enhanced equipment to be installed. But the concern is that the other 4% of the addresses/phone numbers are not correct. He stated that 4% is mainly in the northern part of the county. The Century Tell staff communicates with Ken frequently in regard to the remaining 4% wanting him to do the research in order to bring up the correct addresses/phone numbers. Commissioner Chilcott asked why Quest can not send a letter to those addresses/customers and obtain the correct address/phone numbers. Ken stated he did ask that question of Quest Employee Linda Hill. Basically Quest stated they want someone else to do the remaining 4% data base correction; then they can make one correction at that same time.

Commissioner Chilcott asked why Century Tell is contacting Ken rather than Joanna in order to determine those correct addresses as the 9-1-1 calls are coming through. Ken stated he is unsure how he became the 'contact' person rather than Joanna.

Discussion included contacting the Public Service Commission in order to ascertain if they would be the proper agency to require or put pressure on Quest for that information. Commissioner Chilcott also noted the county should attempt to obtain this information while the county contacts the Public Service Commission. He stated it is important for the county to gain this information in case there were to be an emergency where services are needed. Ken will present this 4% list to Joanna so the 9-1-1 Dispatchers can make phone calls on the phone/addresses.

Ken also addressed the different types of information that he can put together for each phone number. Ken stated Century Tell has offered a contract that they would like the county to sign so they can provide certain data which would allow Ken to build a particular data base. This data base will assist emergency personnel in their response. Commissioner Chilcott stated this contract needs to be reviewed by the County Attorney's Office prior to the Commissioners executing this document.

In other business the Board traveled to Florence for a meeting in regard to the Missoula Rural Initiatives.

The Board met for a second reading on Ordinance No. 16 entitled the "Animal Protection and Control Ordinance". Numerous citizens were present as were Under Sheriff Kevin McConnell, Public Nurse Judy Griffin, Special Projects Coordinator Marty Birkeneder and Animal Control Board Members.

Chairman of the Animal Control and Protection Board, Peg Plat thanked the Commissioners, Civil Counsel, Sheriff Hoffman, Under Sheriff Kevin Hoffman, County Attorney's Office and other county staff members who worked on this ordinance. Peg noted in November 2006 there were eight animal bites. Last spring they did a survey of 840 households. Out of these 840 households there were 9,700 horses, 14,000 dogs, and

1,300 cats. These numbers alone show the need for an Animal Control Office and it will help keep the Sworn Deputies handling the type of calls they should be handling. Veterinarian Linda Perry and member of the Animal Protection and Control Board reiterated what Peg stated. She stated the veterinarians in the valley are supportive of this ordinance. They hope to generate an emergency fund for stray animals that get hit or injured. They will also utilize Marty Birkeneder to help them looking for grants. She also noted the Animal Control Officer will have better expertise in handling animals than the sworn Deputies.

Public comment was then closed.

Commissioner Thompson stated at the last reading a citizen told him the ordinance should not be adopted. However, after Commissioner Thompson explained the ordinance the citizen understood why the ordinance needs to be passed.

Commissioner Lyons asked about the animals that will be assisted. Peg stated the Montana Law does not address cats. He asked if this would stop the dogs from running at large. Linda and Peg stated there is a county law that does not allow any dogs running at large. This ordinance will help educate the public. Peg stated this ordinance is predicated on funding.

Commissioner Chilcott stated the ordinance will be put into effect incrementally depending upon the revenue derived from the licensing.

Commissioner Chilcott noted the ordinance charges more for the dog breeders. Peg stated the breeders are making money on the dogs, while other 'regular' dog owners simply have dogs for pets. Peg stated when a female dog gets out, and an un-neutered dog makes contact, they end up having puppies and usually the litter has to be adopted or euthanized. Vicki Dawson stated it takes more staff time to deal with dogs that are heat, and for those dogs that are in pursuit of the ones in heat. She also stated a large percentage of strays they take in are not neutered.

Commissioner Thompson made a motion to adopt the second reading. Commissioner Lyons stated while he would like to see 1965 again, he sees the need for this ordinance. Commissioner Lyons then seconded the motion and all voted "aye".

In other business the Board met with Fair Manager Gary Wiley and Fair Commission Members Winn Smith and Les Linnendoll. Numerous citizens were also present for the decision in regard to holding Club Boxing events at the Event Pavilion located at the fairgrounds.

Gary gave some background on the Club Boxing event held at the Fairgrounds. He stated the Fair Commission did address the policy for use. That policy was reviewed and re-written with the help of Civil Counsel James McCubbin. Gary noted he also visited with other fairgrounds reviewing their policies and usage. The larger Fairgrounds have grounds usage policies but not all of the Fairgrounds he looked at have specific use

buildings like they have. The Commission's charge is to take care of the facility and rent out the facility. The policy developed by the Fair Commission is following all applicable local and state laws. He stated he is not sure the Commissioners want to vote on every use for the fairgrounds.

Gary also noted the comments he received from other fairgrounds were that they can not discriminate against groups by only allowing certain uses.

Public comment was then called for.

Dallas Erickson questioned Gary about the use policy. Gary stated they had a ground use policy, but not a building use policy, which they have now. Dallas stated the use policy would protect them from 'having' to have certain uses. Dallas stated currently there are no laws against allowing a strip show which could actually allow a member of the show to have sexual intercourse with a member of the audience. He stated the notion of precluding rodeos does not merit discussion as it is not an immoral event. Dallas felt Club Boxing is not safe because it allows anyone who walks off the street to perform for the audience. He stated the use permit is the key to controlling what they allow.

Dean Walrod stated there may be insurance but there is no liability to cover what happens to a boxer. He stated the Commissioners are 'looking' for a law suit. And when they get sued the county premiums will go up. He stated the boxers need training, otherwise someone will get hurt. He has been involved in amateur boxing for 35 years and knows the risks. Coeur D' Alene has outlawed Club Boxing. He stated the Hamilton City Council is about to outlaw Club Boxing in their jurisdiction.

Cheryl Walrod stated the community believes the Club Boxing is a fund raiser. She asked where did that money go that was earned in this event; to crippled children? The alcohol usage, the women in bikinis and the sport of boxing creates a high testosterone level and that causes problems. They have utilized the Eagles Hall for their amateur boxing and while they serve alcohol, they have never had a problem because the parents of the children are present. At the Pavilion Center one of the Security Guards had to remove someone, and the ring girls fought over 'who got to go in and collect the money'. She stated the caterer was not even from our community. She asked why they did not hire local businesses.

Dean echoed the fact that the caterer should be a local businessman.

Commissioner Chilcott stated the pavilion was rented to a business who in turn handled the actual event including the caterer. Gary stated the caterer was within a 100 miles of Hamilton.

Bruceen Fleenor asked about the ages of the boxers. Gary stated they were 18-34 years of age. Bruceen stated her concern is the scantily clad dressed women and the alcohol being served in front of young children.

Ron Tumor asked when the citizens are not going to get 'regulated to death'. He stated an 18 year old has the right to step into a ring and make a decision. He asked if we regulate people's desire to play football, baseball, or rodeo. He stated it is not up to the Commissioners to tell individuals what they can or can not do. He stated the people here today who relay that the community is against Club Boxing are not representing him. If there is a problem with the alcohol, contact the caterer. He stated these are his rights and he does not like people regulating what he wants to do for recreation. If the kids are misbehaving or someone is drunk and creating a problem, then deal with it in a law enforcement manner. The fairgrounds are for everyone – not just for some. The uses need to be for everyone.

Vicky Dawson, Member of Fair Commission stated she spoke against the ordinance that allowed alcohol at the event pavilion. She stated it is important to make sure the Ordinance is done properly. The State of Montana regulates the catering. The Local Ordinance supersedes the state law with their policy of alcohol uses. She stated she has encouraged information be given to the renters of the building when alcohol is served, such as the number to the local taxi cab service. She stated the Fair Commission tries to be consistent with the users. Although she might not like guns, she does not want to trample on someone else's rights by not allowing a gun show. She stated she will be diligent in following the ordinance and the use policy. She also stated if an organization uses the facility and they do not follow the rules, they will not be back.

Sam Pollard agreed with Vicky and Ron. He stated he should be allowed to do certain activities as long as they are within the law.

Public comment was then closed. Board deliberation took place.

Commissioner Lyons stated Gary has been hired to manage the Fair grounds and the Commission helps Gary in this endeavor. He stated the Commissioners should not micro manage the Fair Commission and they should follow the laws/ordinance. He stated the policy addresses the uses, and as long as the rules are followed this should be allowed. If they want to address the other issues such as alcohol they need to address the ordinance which is not why they are here today.

Commissioner Thompson stated he has participated in lots of activities, some more dangerous than others. He has watched boxing for years but does not know if he would ever watch Club Boxing. In regard to making it safe, head gear is used and they wear 16 oz. gloves which gives them extra padding. The rounds are shorter and there are not as many rounds. He stated he sees some safeguards in place. In regard to the 'atmosphere', such as the dressing of the ring girls, the Fair Commission needs to constantly review that. He hopes they can work with the promoter in regard to some of the atmosphere issues.

Commissioner Chilcott stated they have visited with the insurance agent at great length and the county is covered. He stated this is protection from those law suits. In regard to Club Boxing, he does understand this is not really boxing, but rather it is a gladiator

sport. He stated he does have a problem with the audience throwing money to the ring girls and he would like to review that. The last event held 5-600 people. They had security personnel, parking lot attendees, emergency medical technicians and a nurse. He agrees Club Boxing may detract from amateur boxing; but many people like to watch this type of sport. Commissioner Chilcott asked about the specific use permits for the event pavilion. Gary noted they simply follow the law and while the Commission is not going to address a specific use policy, they will review each application.

Dean asked if the amateur boxing club could get a discount on the rates for building use if they are non-profit. Gary stated no.

Commissioner Thompson stated as long as the activities are legal, he does not want to make a motion to specifically allow Club Boxing. Commissioner Chilcott stated Club Boxing is entertainment and this building needs to generate revenue in order to make the payments. Otherwise the tax payer picks up the tab. Commissioner Thompson stated it is important the Fair Commission assess all events, making the activities appropriate for the community. He also advised Gary to make sure the proper insurance is in place. In regard to the ring girls he would like to discuss this with the Fair Commission, but agreed the Commissioners do not want to micro manage the fair ground usage.

Commissioner Chilcott asked how the county use policy works within the city jurisdiction. The Commission members stated they have their own use permit for the county facility.

Gary stated he recently received notice from Club Boxing advising him they are going to pull out of the next scheduled event because of the adverse publicity they have received.

In other business, Commissioner Chilcott attended a LEPC Task Force meeting during the evening hours.